

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1250 be amended to read as follows:

- 1 Page 12, after line 42, begin a new paragraph and insert:
- 2 "SECTION 16. IC 7.1-3-20-12, AS AMENDED BY P.L.224-2005,
- 3 SECTION 14, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The commission may issue
- 5 a three-way permit for the sale of alcoholic beverages to the proprietor
- 6 of a restaurant which is located outside the corporate limits of an
- 7 incorporated city or town if the restaurant meets the additional
- 8 requirements:
- 9 (1) It shall be a table service restaurant in which a patron is seated
- 10 at a table and is served by a waiter or waitress and the food served
- 11 is predominantly consumed on the premises.
- 12 (2) It shall be sufficiently served by adequate law enforcement at
- 13 its premises.
- 14 (3) If it does business during seven (7) or more months of each
- 15 year, it shall have had an annual gross food sales of at least one
- 16 hundred thousand dollars (\$100,000) for the three (3) years
- 17 immediately preceding its application for a permit unless the
- 18 permittee is the proprietor of a recreational facility such as a golf
- 19 course, bowling center, or similar facility that has the recreational
- 20 activity and not the sale of food and beverages as the principal
- 21 purpose or function of the person's business.
- 22 (4) If it does business during six (6) or fewer months of each year,
- 23 it shall have had average monthly gross food sales of at least eight
- 24 thousand five hundred dollars (\$8,500) for each month it did
- 25 business for the three (3) years immediately preceding its

1 application for a permit.

2 **(b) The commission may issue a three-way permit for the sale of**  
 3 **alcoholic beverages to the proprietor of a restaurant that is located**  
 4 **inside the corporate limits of a municipality in which a district**  
 5 **described in section 16(g) of this chapter is located if:**

6 **(1) the restaurant meets the additional requirements set forth**  
 7 **in subsection (a)(1) through (a)(4); and**

8 **(2) on July 1 of the year of the most recent federal decennial**  
 9 **census, the present location of the restaurant premises was**  
 10 **outside the corporate limits of the municipality.**

11 **A permit authorized by this subsection is not subject to the quota**  
 12 **provisions of IC 7.1-3-22 and may not be transferred to a new**  
 13 **location.**

14 SECTION 20. IC 7.1-3-20-13 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The commission  
 16 may issue a three-way permit to the proprietor of a new restaurant  
 17 ~~which is located outside the corporate limits of an incorporated city or~~  
 18 ~~town described in section 12 of this chapter~~ for the sale of alcoholic  
 19 beverages if:

20 (1) the applicant proves to the local board and the commission that  
 21 a projection of his experience had for the first ninety (90) days of  
 22 gross food sales at the location will exceed not less than two  
 23 hundred thousand dollars (\$200,000) in gross food sales by the  
 24 end of two (2) years from the date of his application; and

25 (2) the restaurant meets the additional requirements provided in  
 26 section 12 of this chapter, other than the gross food sales  
 27 requirement.

28 (b) Notwithstanding subsection (a), the gross food sales requirement  
 29 under this section for an applicant who plans to do business during six  
 30 (6) or fewer months of each year is an average of at least eight thousand  
 31 five hundred dollars (\$8,500) per month for each full month that the  
 32 applicant plans to do business.

33 (c) Notwithstanding subsections (a) and (b), the commission may  
 34 issue a permit for a new restaurant to sell alcoholic beverages at the  
 35 time of its opening if the applicant for this permit first executes a  
 36 verified certification to the commission stating that the anticipated gross  
 37 food sales are expected to exceed two hundred thousand dollars  
 38 (\$200,000) during the first two (2) years of operation. Not more than  
 39 one hundred twenty (120) days after the opening of the new restaurant,  
 40 the applicant shall furnish to the commission a financial statement  
 41 showing the dollar amount of food sales made during the first ninety  
 42 (90) days of operation. The commission may require this financial  
 43 statement to be audited by a certified public accountant. If the food  
 44 sales shown on the financial statement do not meet the standards set  
 45 forth in subsection (a), the commission may revoke the permit.

46 SECTION 21. IC 7.1-3-20-16, AS AMENDED BY P.L.155-2005,  
 47 SECTION 1, AS AMENDED BY P.L.214-2005, SECTION 48, AND

AS AMENDED BY P.L.224-2005, SECTION 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport which is served by a scheduled commercial passenger airline certified to enplane and deplane passengers on a scheduled basis by a federal aviation agency. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

- (1) was formerly used as part of a union railway station;
- (2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and
- (3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

- (1) was formerly used as part of a passenger and freight railway station; and
- (2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center

for the visual and performing arts to a town that:

(1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

*(g) After June 30, 2005, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets the following requirements:*

*(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.*

*(2) A county courthouse is located within the district.*

*(3) A historic opera house listed on the National Register of Historic Places is located within the district.*

*(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.*

*The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within five hundred (500) feet of the district. A permit issued under this subsection shall not be transferred. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).*

*~~(g)~~ (h) The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:*

*(1) a town with a population of more than twenty thousand (20,000); or*

*(2) a city with a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400);*

*located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted*

1     *at any time as determined by the commission. Notwithstanding any*  
2     *other law, the minimum bid for an initial license under this subsection*  
3     *is thirty-five thousand dollars (\$35,000), and the renewal fee for a*  
4     *license under this subsection is one thousand three hundred fifty dollars*  
5     *(\$1,350). Before the district expires, a permit issued under this*  
6     *subsection may not be transferred. After the district expires, a permit*  
7     *issued under this subsection may be renewed, and the ownership of the*  
8     *permit may be transferred, but the permit may not be transferred from*  
9     *the permit premises."*

10     Renumber all SECTIONS consecutively.

      (Reference is to HB 1250, Printer's Error, as printed January 26,  
2006.)

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Representative Messer